

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: Optionable Securities Litigation

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07 Civ. 3753

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the annexed affidavit of Liam O'Brien, Esq. sworn to on February 15, 2008, together with the exhibits attached thereto, and Defendant Edward J. O'Connor's Memorandum of Law in Support of His Motion to Dismiss, Defendant Edward J. O'Connor ("O'Connor") hereby moves this Court, before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, at the United States Courthouse at 500 Pearl Street, New York, New York, for an order dismissing with prejudice Plaintiffs' Consolidated Amended Class Action Complaint as against O'Connor, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4, and granting such other and further relief as the Court deems just and proper.

O'Connor submits this motion subject to and without waiving any arguments concerning other defenses that may be raised subsequently in the above-captioned actions or any other actions consolidated before this Court.

Dated: New York, New York
February 19, 2008

*****Signature Page Follows*****

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By: /s/ Liam O'Brien
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CERTIFICATE OF SERVICE

I, Liam O'Brien, an attorney duly admitted to practice in the courts of the State of New York, including the United States District Court for the Southern District of New York, do hereby affirm and certify, that on Tuesday, February 19, 2008, I served a copy of the foregoing Affidavit of Liam O'Brien in Support of Defendant Edward J. O'Connor's Memorandum of Law in Support of His Motion to Dismiss, Edward J. O'Connor's Memorandum of Law in Support of His Motion to Dismiss, and the Notice of Motion to Dismiss on counsel for the plaintiffs, and upon counsel for each defendant by electronic mail, as follows:

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